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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,202	03/29/2001	Martin A. Kenner	56099US002	5376

32692 7590 08/17/2005

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EXAMINER

PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,202

Applicant(s)

KENNER ET AL.

Examiner

Prieto B.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26, 28-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26, 28-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Amendment filed 05/20/05, claims 1-26, 28-71 have been examined.
2. Applicant's arguments filed 05/20/05 have been fully considered but not found persuasive. Arguments have been addressed in detail on the response to arguments section below.
3. Information Disclosure Statement filed 6/27/05 have been considered, initialed and enclosed accordingly.

Claim Rejection under 103

4. Quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous rejection.
5. Claims 1-19, 22-26, 28-50, and 53-71 are rejected under 35 U.S.C. 103(a) as being obvious over Pike (US 4,555,775) in view of Stephens, Jr. (US 6,557,026) (Stephens hereafter).

Regarding claim 1, Pike teaches substantial features of the invention, including, a method/system of Figs. 1-3 performed at a content recipient (25) comprising:

executing a program code (13) at the content recipient (25) for receiving data "content" from a data content provider (24) (col 2/lines 53-col 3/line 3), said content displayable at said content recipient in layers each corresponding executing respective program code (10) (col 1/lines 55-68); and

executing respective program code (10) at the content recipient for displaying the received content (col 3/lines 15-25, 40-47 and col 5/lines 50-55);

displaying the received content at the content recipient behind a displayed layer(s) representing a session (Figs. 2-3) when said session is currently being the focus of recipient's attention (i.e. "active") (col 3/lines 35-47, and col 2/lines 3-11); executing a program code (10) at the content recipient so as to display a content "notifier" over the session even if the session is active, (Figs. 2-3, col 3/lines 35-39, and col 2/lines 3-11); however Pike does not explicitly teach wherein the notifier indicates that the content is available for display.

Stephens discloses a notice system (200), including an executing first program code (114) at a content recipient (112) for receiving content from a content provider (118) over the network (116) (Fig. 1, col 4/lines 33-col 5/line 7), including

displaying a notice “notifier” indicating that content is available for display, automatically without user intervention (Stephen: col 7/lines 5-60) further including, executing a program code at the content recipient for displaying content behind a session (Stephen: col 6/lines 17-35).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Pike for displaying content partially obscured, i.e. behind a session, when the user is interacting with a window displayed totally unobscured, overlapped or overlaid over other windows, i.e. active or currently operating sessions, between interacting computer programs exchanging data over a communication data link. Including windows or bitmaps displays, that may include icons, wherein the windows are stackable (changeable in layering front-to-back positions), scalable (changeable in size) and translation modifiable (change in position), the teachings of Pike for displaying content including windows the may be minimized to an icon, overlaid in front of other windows or under-layed behind other windows currently displayed, would be readily apparent. One would be motivated to present a user with customized delivery of information as it becomes available from multiple sources in audible, HTML format, text, graphics, or links, without requiring user to take any action, not limited to use preferences noteworthiness, specified importance, expiration date, and/or urgency.

Regarding claim 2, executing third program code (10) at the content recipient for displaying unobscure content while displaying partially obscure content so as to expose below the partially obscure content, i.e. “burn the content through” the session in order to visibly display the content to a user (Figs. 2-3, col 2/lines 3-11).

Regarding claim 3, Pike teaches an executing third program code (10) at the content recipient so as to display a content “notifier” over the session even if the session is active, (Figs. 2-3, col 3/lines 35-39, and col 2/lines 3-11); however Pike does not explicitly teach wherein the notifier indicates that the content is available for display.

Stephens discloses a notice system (200), including an executing first program code (114) at a content recipient (112) for receiving content from a content provider (118) over the network (116) (Fig. 1, col 4/lines 33-col 5/line 7), including

displaying a notice “notifier” indicating that content is available for display, automatically without user intervention (Stephen: col 7/lines 5-60) further including, executing a program code at the content recipient for displaying content behind a session (Stephen: col 6/lines 17-35).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Pike for displaying content partially obscured, i.e. behind a session, when the user is interacting with a window displayed totally unobscured, overlapped or overlaid over other windows, i.e. active or currently operating sessions, between interacting computer programs exchanging data over a communication data link. Including windows or bitmaps displays, that may include icons, wherein the windows are stackable (changeable in layering front-to-back positions), scalable (changeable in size) and translation modifiable (change in position), the teachings of Pike for displaying content including windows the may be minimized to an icon, overlaid in front of other windows or under-layed behind other windows currently displayed, would be readily apparent. One would be motivated to present a user with customized delivery of information as it becomes available from multiple sources in audible, HTML format, text, graphics, or links, without requiring user to take any action, not limited to use preferences noteworthiness, specified importance, expiration date, and/or urgency.

Regarding claim 4, executing fourth program code (Pike: 10 of Fig. 1) at the content recipient so as to burn the content through the session in response to selection of the notifier in order to visibly display the content to a user. (Pike: Figs. 2-3, col 3/lines 35-47, col 2/lines 3-11, Pike: Notifier col 7/lines 5-60, burning the content through col 6/lines 17-35).

Regarding claims 5-6, the notifier is an icon (Pike: col 7/lines 28-30, Stephen: col 6/lines 26-35), receiving “electronically” (i.e. transmission of data over a communication link) at the content recipient from the content provider (Pike: col 3/lines 20-25, 44-47, col 5/lines 50-55).

Regarding claim 7, comprising substantially the same limitations discussed on claims 1-2, same rationale of rejection is applicable. Visibly display the content to a user by automatically displaying partially obscure content so as to expose below the partially obscure content, i.e. “burn the content through” the session in order to visibly display the content to a user (Figs. 2-3, col 2/lines 3-11, col 3/lines 35-47).

Regarding claims 8-12, “burn the content through” the session in order to visibly display the content to a user (Figs. 2-3, col 2/lines 3-11, col 3/lines 35-47) upon receipt of the content (Stephens: col 7/lines 5-60); upon selective subject matter of the content identified via users preference (Stephens: col 7/lines 5-

60); upon an identity of a selectively predetermined the content provider (Stephens: col 7/lines 5-60); upon receipt of the content as the content becomes available (Stephens: col 7/lines 5-60), in response to a user request, i.e. pull (Stephens: col 9/lines 66-col 10/lines 10).

Regarding claims 13-18, visibly display the content to a user by automatically layering the content over the session (Pike: Fig. 2-3 and, Stephens: col 6/lines 26-35), upon receipt of the content (Stephens: col 7/lines 5-60), upon selective subject matter of the content identified via users preference (Stephens: col 7/lines 5-60); upon an identity of a selectively predetermined the content provider (Stephens: col 7/lines 5-60); upon receipt of the content as the content becomes available (Stephens: col 7/lines 5-60), in response to a user request, i.e. pull (Stephens: col 9/lines 66-col 10/lines 10).

Regarding claims 19, and 22-24, connect or associate “attach” the content to a screen location “attachment site” (e.g. window) automatically upon receipt of the content (Pike: screen location and/or position, col 7/lines 10-35, position of the layer on the screen, col 10/lines 20-24), attachment site is a document (Stephen: col 8/lines 36-54), desktop, i.e. computer (Stephen: col 5/lines 45-50).

7. Claims 20-21 and 51-52 are rejected under 35 U.S.C. 103(a) as being obvious over Pike in view Stephens in further view of U.S. Patent No. 6,131,096 Ng et. al. (Ng hereafter)

Regarding claims 20-21, 51-52, however the above-mentioned references do not explicitly teach where the screen or display location “attachment site” is a calendar and address book.

Ng teaches executing a program code (e.g. a browser or Outlook) at the content recipient for receiving content from a content provider and displaying the content recipient to the user (Fig. 4), received content including a calendar and address book display/storage locations on screen (Fig. 8).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Pike for receiving content from a content provider including two computer exchanging messages over interactive programs, client server as well as email and instant messages environment would be readily apparent, including the teachings of Ng receiving content from a content provider, by a content recipient. One would be motivated to designate workspace data to be retrieved from the content provider, such as selecting data update/maintained by the Outlook™ (email) address book for synchronization with the content provider services, further including calendar, bookmarks and

other workspace data types such as files, financial transactions, etc. from their respective service providers, as suggested by Ng.

Regarding claims 25-26, layer the content over the session in order to visibly display the content to a user (Pike: Figs. 2-3, overlay and thus obscure partially or totally other layers, col 3/lines 53-23, Stephen: overlay see col 6/lines 26-35), in response to a user request "content recipient", i.e. pull (Stephens: col 9/lines 66-col 10/lines 10).

Regarding claims 28-29, display a notifier indicating that the content is available for display (Stephen: col 7/lines 5-60), notifier comprises an audible notices (Stephen: col 3/lines 37-41), the notifier comprises a visual notifier (Stephen: col 7/lines 13-25).

Regarding claim 30, a computer readable storage medium, the computer readable storage medium storing program code which, when executed by a computing device, performs the following functions:

automatically initiating a request to receive content from a content provider for receiving the content from the content provider in response to the request ((Stephen: col 7/lines 5-60, pull see col 9/lines 66-col 10/line 10); and displaying the content behind a session (Stephen: col 6/lines 26-35) if the session is active, i.e. displaying the received content at the content recipient behind a displayed layer(s) representing a session (Fig. 3) when said session is currently being the focus of recipient's attention (i.e. "active") (Pike: col 3/lines 35-47, and col 2/lines 3-11).

Regarding claims 31-50 and 53-58, these computer readable storage medium claims, wherein execution of the program code performs functions substantially the same as those discussed on the method claims 2-29, same rationale of rejection is applicable.

Regarding claim 59, this method claim is substantially the same as the method claims 1 and the display of the notifier on claims 3-4 and the display of a notifier that indicated that content is available, i.e. "post", , downloaded automatically from the content provider, claim 30, taught by Stephen polling mechanism (i.e. access, initiate receipt, receive and display), same rationale of rejection is applicable.

Regarding claims 60-71, these method claims comprise substantially the same features and/or limitations as addressed on claims 2-29, same rationale of rejection is applicable.

Response to Arguments

8. Regarding claim 1 rejected under 102 as being anticipated by Pike, it is argued (p. 22 of remarks) that the reference does not teach added claim limitation. Specifically, that Pike does not disclose a notifier that provides an indication that the content is available.

In response the above-mentioned argument, applicant's interpretation of the applied reference has been considered. The claimed clauses/terms, "behind an active session" nad "burn through the session", have been given the broadest reasonable interpretation inlight of the specification (MPEP §2106/2111). According to applicant's specification, an example of a note (22 of fig. 3) includes a title, which may carry a general title such as "note" or a more specific title indicative of a product, service, and/or information offered by the note (p. 8, lines 4-9). The note also includes a display area in which a graphic, text and/or other material may be provided (p. 8, lines 16-18), where the text may include an URL (p. 8, lines 19-23). The notifier may be the content itself which is immediately displayed to the content recipient as the top active layer of any applications that the content recipient has running on the content recipient's network enabled device. Alternatively, the notifies may be a window or an icon or other symbol which is displayed in a tool bar, title bar, inside a window frame, or at any other suitable location, as an indication to the content recipient that newly posted content has been received (p. 15, lines 11-22).

Stephens teaches a Notice system 200 provides the information in speech-synthesized format as well as on the user's workstation display as the information becomes available. Notice system 200 may perform the following functions independently or in conjunction with other components in Internet connection 110: play headline audio for new, noteworthy stories as those stories appear; present the user with textual (typically HTML-rendered) story headlines; allow the user to select a headline to view the entire story (col 7/lines 5-25); the information will be output to the display associated with workstation 112, the user can use the display generated by notice system 200 to access one or more hyperlinks leading to page(s) that contain the full story for the headline (col 7/lines 37-43). Notice system 200 also presents this news in text format in a browser window, which need not be visible when the story arrives. As the data sources post news stories, notice system 200 announces the headlines. Notice system 200 includes one or more news summary page listing all of the recent headlines. Each headline is a hyperlink to the web page that contains the full story. Optionally, summary pages may provide additional information with each headline. For example, the summary pages may include additional story text, graphics, or links (col 7/lines 51-60). Operating systems commonly use "windows", as well known in the art, to present information about or from an application program. Each application program typically has its own window that is generated when the application program is executing. Each window may be minimized to

an icon, maximized to fill the display, overlaid in front of other windows, and underlaid behind other windows (col 6/lines 17-35)

Stephens teaches a “notifier”, such as a title indicative of a service and/or information, i.e. a headline, where the text may include a hyperlink that provides an indication that the content is available and accessible thereby.

9. Regarding claim 2 rejected under 102 as being anticipated by Pike, it is argued (p. 23 of remarks) that the reference does not teach claim limitation as recited. Specifically, does not teach burning through, because shifting the focus is not burning through.

In response the above-mentioned argument, applicant’s interpretation of the applied reference has been considered. According to applicant’s specification, when the content recipient activates the notifier 82 at the block 80, a block 88 of the program 60 determines whether there is an active session being performed by the content recipient. An active session, for example, may be an application, which has the focus of the content recipient. If there is an active session as determined at the block 88, and if the active session is displayed as an area of the screen display to be occupied by the content when the content is made to appear upon activation of the notifiers, the program 60 at a block 90 uses the content display software discussed above in order to burn the content through the active session being displayed (p, 17, lines 6-20), Accordingly, the window 92 is burned so that a border 94 is provided around the note 22. The border 94 allows whatever is in a layer below the window 92 to seen through the border 94 around the note. Thus, the note 22 burns through the window 92 to expose a portion of the layer below the window 92 (p. 18, lines 2-8).

Pike teaches referring to Fig. 3, window/frame layer B (41) is provide in a layer below the frame/window layer A (40), window/frame layer A allows what ever is in the layer below to be seen through the window/frame around layer A. Window/frame layer A exposes a portion of the window/frame layer(s) below it, allowing what ever is in layer below the window/frame to be seen through the border of the window/frame layer A around it. The window/frame B (41) below window/frame A does not expose a bottom partially obscured of layer B, i.e. (42), the portion of the layer below the window/frame A (col 4/lines 8-34). Applicant’s Fig. 6 is not distinguishable from Pike’s Fig. 3.

Pike teaches displaying content behind a session if the session is active. Pike teaches burning the content through the session in order to visibly display the content to the user.

10. Applicant's arguments filed 05/20/05 have been fully considered but not found persuasive.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Citation of Pertinent Art:

12. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Copies of Non-Patent Literature documents cited will be provided as set forth in MPEP§ 707.05(a):

US 4,769,636

Iwami et. al. teaches a display control method for multi-window system, wherein multiple windows on a display screen display information. In this multi-window environment comprising a plurality of windows set on a single display screen, the windows are set in partially overlapped relationship with each other. By shifting the window display position or changing the order in preference of display, the display in a given window, which has been initially hidden in part behind another window, can be made wholly visible.

JP 403085629A

A tiling window display control means executes the control to display plural windows on a display device so as to allow the contents of a part of the window hidden in a state that plural windows overlap partially each other can be confirmed at a time, and in addition, the optional window can be selected from among the displayed windows, and besides, the operation of the instruction for displaying plural windows at a time becomes easy.

JP 405053750A

A Multi-windowing environment selection, which allows to easily select even a window hidden behind another window and to attain the selection of windows on a screen equal to an actual window by showing the frames of all windows regardless of the overlapping state of windows and with no use of a layout window.

JP 410011261A

A multi-windowing environment method, wherein at the time of executing the right click of a mouse when a group of overlapping windows are displayed on a picture, a transmission window displaying an image hidden behind a part surrounding a mouse pointer by making the part surrounding the mouse pointer on a window transmissible is generated. At the time of moving the mouse in this state, the transmission window moves by following the mouse pointer. At the time of executing the left click of the mouse when the mouse pointer points a window, the window is switched to the front side of another window.

DERWENT-ACC-No: 1998-256768 (1998)

A window system for computer system varies size of window display contents proportional to window modification, by altering size of vector data when size of window is altered. The method maintains contents of currently displayed window even if size of window is altered. Enables hiding window behind front face of window screen display through simple operation. Prevents overlapping of various displayed windows when front face of screen enlarges the display of various windows.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

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(703) 872-9306 (old No. in service until Sept. 15, 2005),
(571) 273-8300 (New Central Fax No.)

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.


BEATRIZ PRIETO
PRIMARY EXAMINER
August 9, 2005